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MEMORANDUM ENDORSED

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May 6, 2025

VIA ECF

Honorable Gabriel Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl St., Courtroom 6B
New York, NY 10007

Re: *Diaz v. New York Paving, Inc.*
Docket No. 18-CV-04910(ALC)(GWG)
MLGB File No. 09676-00110

Dear Judge Gorenstein:

This firm represents Defendant New York Paving (“Defendant”) in the above-referenced matter. We write jointly with counsel for Plaintiffs, pursuant to Your Honors’ Individual Practice Rule 1(E) to seek an adjournment of the time by which the Parties must submit a Joint Pre-Trial Order (the “JPTO”) in accordance with Judge Carter’s Individual Rules of Practice, Rule 4.A, and Your Honor’s Clarified Order regarding same dated April 4, 2025 (ECF No. 404).

Pursuant to Rule 1(E): (i) the Parties seek an adjournment to submit the JPTO from May 27, 2025 to **June 18, 2025**, with the pre-JPTO exchanges contemplated by Judge Carter’s Rule 4.A and Your Honor’s prior Orders regarding same to be adjourned from May 8, 2025 to **May 29, 2025**; (ii) this is the second joint request for an adjournment of the JPTO (in addition to several competing requests seeking to clarify the scope and/or requirements of the JPTO otherwise – *see* ECF Nos. 227, 288, 306, 331, 388, 404); (iii) the reason for the adjournment is noted below; and (iv) as noted herein, Plaintiffs join in this request.

As the Court is aware, Judge Carter has set a Conference for this matter for May 22, 2025. *See* ECF No. 419. The Parties believe that attending this conference prior to finalizing the JPTO is prudent because it will provide clarity on the length and timing of trial, as well as provide further information on motions in limine and any other procedures Judge Carter employs at and in advance of trial, and will thus be helpful to the Parties in finalizing the JPTO. Further, Defendant believes the Conference will further expand upon the reasoning elucidated in Judge Carter’s Opinion and Order which partially granted and denied Defendant’s Motion to Dismiss (ECF No. 413), and likely will provide additional clarity on the scope of trial and evidentiary materials necessary for such trial, as contemplated by the Trial Judge, Judge Carter.

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Moreover, this additional time will allow the Parties to schedule and participate at the mediation contemplated by Judge Carter's Rule 4.A prior to finalizing the JPTO. Additionally, and as this Court is aware, Defendant's lead Trial Counsel is currently participating in an active trial this week (*see* ECF No. 415), and thus this adjournment serves to protect against potential prejudice on Defendant by ensuring their Lead Trial Counsel has a fulsome opportunity to engage in the preparation of the JPTO as well.

Finally, the Parties do not anticipate that granting this limited adjournment will delay trial. In this regard, the Court still has not issued a ruling on the Parties' competing requests as they concern Notice to the Class, which once ruled on, will require time for the Notice process to be accomplished. (See Dkt. 298-99).


As such, and in light of the foregoing, the Parties jointly request that the time by which the Parties must file a JPTO be adjourned from May 27, 2025 until **June 18, 2025**, with the pre-JPTO exchanges contemplated by Judge Carter's Rule 4.A and Your Honor's prior Orders regarding same accordingly adjourned from May 8, 2025 to **May 29, 2025**. The Parties sincerely thank the Court for its time and consideration of the foregoing request.

Respectfully submitted,
/s/ Christopher P. Hampton
Christopher P. Hampton

cc: All Counsel of Record (*via ECF*)

The proposed schedule for filing the Joint Pre-Trial Order is approved.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge
May 7, 2025